

COURT FILE NUMBER:

1303 06110



COURT:

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE:

EDMONTON

APPLICANT(S):

The Government of the Province of Alberta

RESPONDENTS:

Alberta Union of Provincial Employees

DOCUMENT:

**DIRECTIVE OF THE ALBERTA LABOUR
RELATIONS BOARD**

**ADDRESS FOR SERVICE
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PARTY FILING THIS
DOCUMENT:**

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Re: In the matter of a Complaint brought pursuant to Section 70 of the Public Service Employee Relations Act by the Government of the Province of Alberta affecting the Alberta Union of Provincial Employees

FINDINGS AND DIRECTIVES

Preamble:

Whereas the Labour Relations Board (the "Board") has issued previous Findings and Directives dated April 27th, 2013 relating to violations of section 70 of the Public Service Employee Relations Act ("*PSERA*") by correctional peace officers and correctional service workers at the Edmonton Remand Centre, the Red Deer Remand Centre, the Calgary Young Offender Centre and the Medicine Hat Remand Centre;

And whereas the Government of the Province of Alberta has filed a further application alleging that other employees in the bargaining unit (the "PSERA unit") represented by the Alberta Union of Provincial Employees (the "Union") are now engaging in violations of section 70 of *PSERA* at various locations throughout Alberta;

And whereas the Government of the Province of Alberta seeks a declaration that employees in the PSERA unit are violating section 70 of *PSERA*;

And whereas the Union neither consents to nor opposes these Findings and Directives, other than the decision to file the Findings and Directives with the Court.

The Board makes the following findings:

1. On April 29, 2013, a number of the employees in the PSERA unit failed to show up for their scheduled shifts at various locations throughout Alberta.
2. The cessation of work relates to an illegal strike by employees at the Edmonton Remand Centre.
3. The Board finds their refusal to work constitutes an illegal strike under section 70 of *PSERA* and declares that they are engaged in an illegal strike contrary to that provision.

Therefore, the Board makes the following directives under its powers in section 86 of the Labor Relations Code:

4. Employees in the PSERA unit are to cease their illegal strike and desist from engaging in any further strike activity.
5. All employees engaged in illegal strike activity are directed to return to work immediately.
6. Employees in the PSERA unit are prohibited from engaging in strikes or withdrawing their services.


The Board also makes the following procedural directives:

7. The Union shall immediately take steps to notify the employees in the PSERA unit, by all reasonable means, of their obligations to comply with the foregoing directive.
8. The Employer may serve these Directives on employees by personal service, or by posting the Directives at a conspicuous place in areas where employees are picketing or by posting on Employer or Union bulletin boards at the workplaces of employees or via email.
9. These Directives take effect immediately.
10. By the authority of section 88(2) of the *Labour Relations Code*, these Findings and Directives will be filed in the Court of Queen's Bench as soon as possible. Once filed, these Findings and Directives are enforceable as an Order of the Court and, if violated, may result in civil or criminal penalties, including contempt of court.
11. Once filed, these Findings and Directives served upon an individual shall have added to the, in bold print, the words:

"This Order has been filed in the Court of Queen's Bench – Action No. ____.
It is now enforceable as an order of the Court.

1303-06110

ISSUED and DATED at the City of Edmonton in the Province of Alberta this 29th day of April, 2013 by the Labour Relations Board and signed by its Vice Chair.



Lyle Kanee
Vice Chair